THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.3304 OF 2004

Between

Smt.Venkata Padma Laxmi Kumari wife of late K.V.Ramesh.

…Petitioner

vs.

The Regional Manager, A.P.S.R.T.C.,Eluru and four others.

…Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.3304 OF 2004

ORAL ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The petitioner is the widow of one K.V.Ramesh who worked as a driver with employment No.352529 in the respondents-Corporation. The petitioner' s husband died on 14-04-2002 in a road accident while he was on sick leave. He left behind the petitioner and two minor daughters. The petitioner's claim is that the entire family was dependent only on the employment of the formerly driver of the Corporation.

The petitioner's husband was appointed in 1987. He was removed from service by proceedings dated 15-11-2001 on the ground of unauthorized absence during the period from 07-09-2000 to 10-11-2000 and on the ground that he was habituated to irregular attendance. This was after a due process of an enquiry. The petitioner's husband thereupon preferred an appeal. The 2nd respondent rejected the appeal by the order dated 27-12-2001. He then preferred a review which is claimed to be pending with the 1st respondent. Subsequent to the filing of the writ petition, however, the 1st respondent by the order dated 12-03-2004 rejected the review filed by the petitioner's husband against the orders of the removal as confirmed by the appellate authority. Thereupon the petitioner preferred a revision to

the 4th respondent-Managing Director, A.P.S.R.T.C. Hyderabad on 10-08-2004. According to the petitioner the 4th respondent has plenary revisional powers to consider and revise in an appropriate manner, any order passed by any authority under the employment regulations of the respondent-Corporation. This position in law is not disputed by the learned Standing Counsel for the respondent.

In the circumstances and in the context of the factual matrix in this case, this Court considers it appropriate to direct the 1st respondent to expeditiously and in any event within a period of one (1) month from the date of receipt of a copy of this Order, consider and dispose of the petitioner's revisional application dated 10-08-2004 directed against the order of the revisional authority confirming the order of the appellate authority in turn confirming the order of the primary authority, terminating the petitioner's husband from service as driver for unauthorized absence. The 1st respondent shall duly apply his mind to the issue whether the order of termination is a penalty proportionate to the gravity of the offence/misconduct found against the petitioner's late husband and if not what relief could be provided to the petitioner.

Accordingly the writ petition is disposed of. No order as to costs.

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GODA RAGHURAM,J

27th SEPTEMBER 2005

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